

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 128 - SB 147

February 2, 2023

SUMMARY OF BILL: Extends, from two years to six years, the statute of limitation for the Class E felony offenses of official misconduct and the destruction of and tampering with governmental records committed on or after July 1, 2023.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-2-101(b)(4), prosecution for a Class E felony offense is required to begin within two years.
- The proposed legislation extends the statute of limitation for official misconduct and destruction of and tampering with governmental records to require prosecution begin within six years for offenses committed on or after July 1 2023.
- Under current law, the first possible year the statute of limitation would expire for official misconduct and destruction of and tampering with governmental records committed on or after July 1, 2023 is July 1, 2025.
- As such, the first year of possible impact resulting from extending the statute of limitations is FY25-26.
- Based on information previously provided by Department of Correction, there has been an average of one admission per year for official misconduct over the last 10 years, and zero admissions over the last 10 years for destruction of and tampering with governmental records.
- There will not be a sufficient change in the number of prosecutions for state or local government to experience any significant change in revenue or expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid.

Krista Lee Carsner, Executive Director

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